

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(BALTIMORE DIVISION)

In re: *

Janet Hughes-Farquharson *

Case No.: 17-13216
(Chapter 13)

Debtor *

Janet Hughes-Farquharson

Movant *

Franklin Credit Management
Corp/Service *

Respondent *

MOTION TO AVOID WHOLLY UNSECURED JUNIOR LIEN AND STATUS OF
DEBT UNDER § 506

Debtor, Janet Hughes-Farquharson, by and through his attorney, Joy P. Robinson, Esquire pursuant to 11 U.S.C. § 506(a) and Rule 3012 of the Federal Rules of Bankruptcy Procedure, files this Motion to Avoid Wholly Unsecured Junior Lien held by Navy Federal Credit Union, and respectfully represents:

1. That Debtor's filed a petition under Chapter 13 of the U.S. Bankruptcy Code on or about March 9, 2017.

2. That this court has jurisdiction over this motion to determine extent of secured lien and status of debt under § 506 pursuant to 28 U.S.C §§ 1334(b), 157(b)(2)(A), (B), (K), (O), 11 U.S.C. §§ 506(a) and (d), 1322(b)(2), and Federal Rule of Bankruptcy Procedure 3012.

3. That Debtor's on the date of filing owned and still own residential real property located at 6374 Windharp Way, Columbia, MD 21045-4548
4. The first Deed of Trust is held by Specialized Loan Servicing, LLC.
5. The amount owed to Specialized Loan Servicing, LLC on the first Deed of Trust is approximately \$391,135. 51 (current mortgage statement hereto attached as Exhibit "1")
6. There is a second Deed of Trust held by Franklin Credit Management Corp./Servicer. The total amount owed to Franklin Credit Management Corporation is approximately \$136,162.00 (a Proof of Claim has not been filed as of date of the motion").
7. The second Deed of Trust held by Franklin Credit Management Corp./Servicer, is a junior lien to the first Deed of Trust held by Specialized Loan Servicing, LLC.
8. The Debtor submits that the fair market value of his residential property is \$292,000.00. This amount was determined by the Debtor based on an appraisal performed by Paul J. D'anna Sr. of A-1 Appraisal Limited 8400 Plum Creek Drive, Gaithersburg, MD 20882. (A copy of the said appraisal is hereto attached as Exhibit "2").
9. Based upon the market analysis and valuation of Debtor's property the respondent's lien is wholly unsecured and should be avoided, thus resulting in the avoided lien being treated as a general unsecured debt to be paid pro-rata with all other unsecured debts.

WHEREFORE, the Debtor's request an Order avoiding the security interest of Respondents, Franklin Credit Management Corp/Service, in her real property and for such other and further relief as the nature of their case may require.

Respectfully submitted,

/s/ Joy P. Robinson.

Joy P. Robinson, Esquire

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Attorney for Debtors